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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 DEJON HEMPHILL,

Case No. 5:24-cv-00825-KK-DTB

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Plaintiff,

13

vs.

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COUNTY OF SAN BERNARDINO;
15 CITY OF SAN BERNARDINO and
16 DOES 1-10, inclusive,

**PLAINTIFF'S RESPONSE TO THE
JUNE 21, 2024 ORDER TO SHOW
CAUSE**

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Defendants.

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1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 Plaintiff Dejon Hemphill (“Plaintiff”) hereby submits this Response to the
4 Court’s June 21, 2024 Order to Show Cause Why Action Should Not Be Dismissed
5 for Failure to Prosecute as to Defendant County of San Bernardino (Dkt. No. 19).

6 1. Plaintiff filed the operative complaint in this action on April 18, 2024.
7 (Dkt. No. 1), alleging the City of San Bernardino police officers and San Bernardino
8 County Sheriff’s Deputies were involved in the detention, arrest, and use of
9 excessive force against Plaintiff. At the time Plaintiff filed his Complaint, he did not
10 know the identities of the involved officers.

11 2. After serving the operative complaint on representatives for the City of
12 San Bernardino and San Bernardino County, Plaintiff’s counsel was contacted by a
13 representative for the San Bernardino County and was informed that no deputies or
14 employees from San Bernardino County were involved in the April 2, 2023 incident
15 alleged in the operative Complaint. Plaintiff’s counsel requested proof and the
16 parties discussed obtaining the police reports that were generated from the incident.
17 The representative for San Bernardino County represented that he had been in
18 contact with counsel for the City of San Bernardino, who had agreed to produce
19 certain police reports and evidence that revealed the identities of the involved
20 officers, subject to a protective order. Plaintiff’s counsel agreed that Plaintiff would
21 be willing to dismiss San Bernardino County from this action if the documents
22 showed that no deputies or employees from the County were involved in the
23 incident.

24 3. On June 5, 2024, Defendant City of San Bernardino and Plaintiff
25 entered into a Stipulated Protective Order regarding the exchange of documents and
26 information in this action. (Dkt. No. 17).

27 4. On June 6, 2024, a Protective Order was issued. (Dkt. No. 18).

1 5. On June 7, 2024, Defendant City of San Bernardino served Defendant's
2 Initial Disclosures Pursuant along with certain documents.

3 6. After reviewing the documents produced in Defendant City's Initial
4 Disclosures, the parties met and conferred and agreed that there was good cause to
5 enter into a stipulation to dismiss the County of San Bernardino as a defendant and
6 request an order granting Plaintiff leave to file a First Amended Complaint.

7 7. The parties are working on finalizing the Stipulation to dismiss
8 Defendant County of San Bernardino, without prejudice, and to request leave for
9 Plaintiff to file a First Amended Complaint to name the involved City of San
10 Bernardino officers and to omit references to County of San Bernardino as a
11 defendant. Plaintiff expects that the Stipulation will be filed within the next few
12 days.

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14 Respectfully submitted,

15 DATED: June 28, 2024

LAW OFFICES OF DALE K. GALIPO

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18 By _____ */s/ Hang D. Le*
19 Dale K. Galipo
 Hang D. Le
 Attorneys for Plaintiff

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